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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,599	01/26/2001	Eric Neil Miller	0370-1-1	6893

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/770,599	Applicant(s) MILLER ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed June 12, 2006 has been entered. Claims 18-26 are pending and are rejected as followed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Method claims 18-23, 24-25, and 26 are rejected under 35 U.S.C. 103(a)** as being unpatentable over (1) www.redcross.org (Jan. 25, 1999) in view (2) **BEZOS et al** (US Patent 6,029,141) and (3) **HOPKINS** (Article "Charity Auctions and Tax Law", Nov. 1994).

Current (June 12, 2006) claim 18 is as followed:

18. (Currently Amended) A method for a donor to make a monetary charitable contribution to a charitable organization comprising the steps of:

(a) receiving at a first internet website an indication of interest from a donor to make a monetary contribution to a charitable organization, the first Internet website being an Internet website of the charitable organization;

(b) hyperlinking the donor to a second internet website to allow the donor to make the monetary contribution, the second Internet website not being an Internet website of the charitable organization;

(c.) the second Internet website providing information regarding projects of the charitable organization to the donor;

(d) the second Internet website receiving a selection of a project from the donor;

(e) the second Internet website providing a plurality of contribution options to the donor for the selected project, the contribution options comprising at least a gift and at least one of the following other contribution options: a sponsorship level, a membership, or a purchase of a tangible item:

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(f) the second Internet website providing information to the donor regarding a minimum monetary donation amount and a tax deductible amount in conjunction with at least one of the other contribution options;

(g) the second Internet website receiving a selection of a contribution option from the donor;

(h) the second Internet website receiving an indication of a monetary donation amount from the donor for the selection;

(i) the second Internet website receiving payment information from the donor for the monetary donation amount;

(j) the second Internet website receiving delivery information from the donor for the selection;

(k) the second Internet website providing confirmation information to the donor for the selection; and

(l) the second Internet website collecting transactional data concerning the donor, the monetary donation amount, and the selection.

Similarly, www.redcross.org fairly teaches a method for a donor to make a monetary charitable contribution to a charitable organization (donation management and reporting), comprising the steps of:

(a) receiving at a 1st Internet website (business entity or www.redcross.org) an indication from a donor to make a donation (or a customer to do business with) to the charitable organization (business entity 1st), the 1st website being a website of a charitable organization {see page 2, "Donate Online" or "Help Disaster Victims"};

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(c) providing information regarding projects of the charitable organization to the donor {see "Tornado Victims Need your help", or "Picking up the Pieces", on page 2, or Blood Donations" project, pages 7-8, or "National Rapid Response Corps", page 10},

(d) receiving a selection of a project from the donor;

(e) providing a plurality of contribution options to the donor the selected project, the contribution options comprising at least one of (a gift and at least one of the following other contribution options: a membership (see page 10), or a purchase of a tangible item page 2 "Last chance to order" or page 6);

(f) providing information to the donor regarding a minimum donation amount (page 6, a \$15.00 value and proceeds support your local Red Cross),

(g) receiving a selection of a contribution option from the donor {page 14}

(h) receiving an indication of a donation amount from the donor for the selection {page 14};

(i) receiving payment information from the donor for the selection {page 14};

(j) receiving delivery information from the donor for the selection {page 14};

(k) providing confirmation information to the donor for the selection {page 14};

(l) collecting transactional data concerning the donor, the donation amount, and the selection (inherently included as discussed on page 4, and the Red Cross normally provides a copy of the amount of donation and amount deductible for computing income and estate taxes at year end).

Note that the steps of (f) –(l) are well known charity fundraising managing and reporting parameters, and the practices of these steps, whether online or offline.

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Www.redcross.org fairly teaches the claimed invention except for (1) step (b), (2) carrying out steps (c.)-(l) on the 2nd Internet website, and (3) step (f) contains information with respect to a tax deductible amount in conjunction with at least one of the other contribution options.

In a similar environment dealing with transaction of good/service between a customer and a business entity on the Internet/website, **BEZOS et al** teaches the hyperlinking of a 1st website entity (1st business entity or "associate") to a 2nd website entity (2nd business entity or "merchant") to allow customers, who accesses the 1st website entity and with interest to do business with the 1st website entity, to make complete a service or business transaction (sales) at the 2nd website entity, thus enhancing business efficiency since the 1st website lacks the resources needed to do business online, collecting payment, and providing customer services {col. 3, lines 20-25, col. 6, lines 40-47} and the 2nd website has the resources to provide efficient marketing and review, data analysis, and efficiently attract potential customers to the web site with capable advertising resources, and the 1st website need not be concerned with these tasks. Therefore, it would have been obvious to a skilled artisan to modify the teachings of www.redcross.org by including the teaching of hyperlinking to a 2nd web site as indicated in (b) as taught by BEZOS et al to enhance operation/business efficiency and profits if the website or teachings of www.redcross.org lacks the resources to carry out effective marketing, data analysis, advertising, backend and front-end support or abilities to attract customers to their websites for the benefits cited above. Note that on col. 8, BEZOS et al discloses that sales of product reads over

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sales of service or product. Therefore, offering any services that results in a financial transaction, i.e. donation of money, would read over business transaction and would have been obvious to a skilled artisan to combine the teachings of www.redcross.org and BEZOS et al since they both deal with business transaction.

On col. 7, lines 5-20, BEZOS et al teaches the concept of "hyperlinking" the display (information/data/product) on 1st website to a 2nd website for reviewing and carrying out normal business transaction {see "*catalog documents 120 served by the associate's site 100 including special hyperlinkings (to Web pages of the merchant Web site 106) for allowing consumers to select products for prospective purchase*"}. Also, in col. 7, lines 52-60 "*causes a product detail page 136 to be displayed on the customer computer 108. This detail page 136 is served by the merchant Web site 106, and includes various information provided by the merchant about the selected product.*"

Therefore, it would have been obvious to modify the teachings of steps (c.) to (l) of www.redcross.org by hyperlinking these steps to a 2nd website reviewing and carrying out normal business transaction for the same reasons set forth above. Alternatively, the merchant (2nd) website has the ability to display all of the displayed information (product) as shown in the 1st website, it would have been obvious to display these information and carry out the business transactions on the 2nd website if desired.

In a similar environment dealing with charity auctions and tax law, HOPKINS fairly teaches a donation level in concert with the asset to the donor, a) deductible payment to a charity for those that exceed the fair market value of anything that the donor may receive in return, and b) no charitable deduction payment for those that

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roughly equal to the fair market value of the item {see pages 3-4}. It would have been obvious to a skilled artisan, i.e. fundraising manager/marketer, at the time the invention was made to modify the teaching of www.redcross.org by including the donation level in concert with the purchase of the item to indicate level of charitable deduction. Note that on page 6, the last 3 paragraphs, show that "every transaction at a charitable auction" is, in whole or substantial part, a "purchase", thus engaging in "sales".

As for dep. claims 19-20 (part of 18 above), which deals with well known contribution options parameters, i.e. the type of tangible items purchased, these are non-essential to the scope of the claimed invention and would have been obvious to a skilled artisan. Moreover, they are taught in www.redcross.org page 6. As for the limitation of plurality, this would have been obvious for duplicate or multiple effects.

As for dep. claim 21 (part of 18 above), which deals with well known contribution options parameters, i.e. textual information, this is non-essential to the scope of the claimed invention and would have been obvious to a skilled artisan as routine fundraising works. Moreover, this is taught in www.redcross.org, page 2.

As for dep. claims 22-23 (part of 18 above), which deals with well known contribution/fundraising managing parameters, e. providing transactional between websites and contribution options, etc., these are fairly taught by www.redcross.org on pages 4, 14-15, BEZOS et al on col. 16, lines 10-25, Appendix B on col. 18, especially lines 25-30.

As for the independent method claim 24, which has similar limitations as in independent method claim 18 above, but with an additional website for charity

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organization for fundraising from a 2nd donor, the duplicate of another or for a 2nd website and donor would have been obvious to a skilled artisan for obtaining multiple effects if desired. See *In re Harza*, 124 USPQ 378, CCPA 1960, or *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549, (7th Cir. 1977).

As for dep. claim 25 (part of 24 above), which has the same limitation as in dep. claim 22 above, it's rejected for the same reason set forth above.

As for the independent method claim 26, which has duplicate parts or steps of independent method claim 18 above, the duplicate of another part/process, i.e. for a 2nd charity website, 2nd central Internet website and 2nd donor would have been obvious to a skilled artisan for obtaining multiple effects if desired, absent evidence of unexpected results. See *In re Harza*, 124 USPQ 378, CCPA 1960, or *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549, (7th Cir. 1977).

Response to Arguments

5. Applicant's main arguments filed 6/12/06 have been fully considered but they are not persuasive.

(1) Applicant's argument on page 9, middle paragraph, to page 10, 2nd paragraph, with respect to the issue of "PTO misstates the incentive and teachings of BEZOS et al" is noted, however, this is not found persuasive because the motivation (advantage) to combine BEZOS et al into www.redcross.org is based on col. 6, lines 40-47, and not on col. 1, lines 25-40. Moreover, there are always disadvantages when combining two business entities but the advantage benefits could outweigh the disadvantage or the disadvantage is not that critical. In this case, the disadvantage

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cited by the applicant's does not appear to be critical or secondary to the advantage as cited on col. 6, lines 40-47 or other benefits.

(2) Applicant's argument on page 10, paragraphs 3rd-5th, are noted however, they are not persuasive in view of the teachings on col. 7, lines 52-60 "*causes a product detail page 136 to be displayed on the customer computer 108. This detail page 136 is served by the merchant Web site 106, and includes various information provided by the merchant about the selected product.*" Clearly, the merchant (2nd) website has the ability to display all of the displayed information (product) as shown in the 1st website and the consumer can review these information/product information on the 2nd website.

(3) Applicant's argument on page 11, 1st paragraph, is noted however they are not found to be persuasive as long as the dates are before the priority date of the current application which is Feb. 01, 2000.

(4) As for other miscellaneous arguments, these are not found persuasive because they are related to the (1st) issue which has been addressed above. The other arguments with respect to well known fundraising campaign parameters are not persuasive since they are taught in www.redcross.org and/or would have been obvious to a skilled artisan as routine campaign experimentations.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Article "Publishers Clearing House and Linkshare Partner", Nov. 10, 1998, is cited to show the hyperlink between websites teachings similarly to the claimed invention. It's cited here for applicant's awareness of potential use in the next office action if needed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

No claims are allowed.

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8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

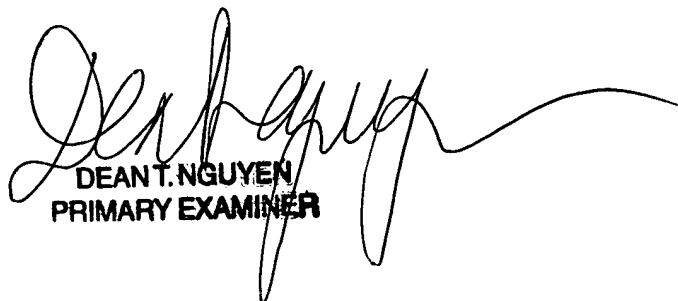
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
August 21, 2006


DEAN T. NGUYEN
PRIMARY EXAMINER